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Via E-Mail and U.S. Mail

February 27, 2006

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U.S. Environmental Protection Agency
77 W. Jackson Boulevard
Chicago, Illinois 60604-3590

RE: Ellsworth Industrial Park: Comments on Draft Preliminary Planning Report Documents

Dear Mr. Krueger:

On behalf of Tricon Industries, Inc. ("Tricon"), this letter provides comments on the January 2006 draft Preliminary Planning Report ("PPR") for the Ellsworth Industrial Park Site ("EIP"), which includes the Scope of Work ("SOW") and various attachments, prepared by Weston Solutions, Inc. ("Weston") for the U.S. Environmental Protection Agency ("USEPA"). Tricon's comments focus on those aspects of the PPR that relate to properties on which Tricon operates and on those properties that have been connected to Tricon by USEPA or its contractors. These comments should be read in conjunction with the broader comments also submitted today by Bruce White and Michael Baker, Inc. ("Baker") on behalf of Tricon and others.

Submission of these comments shall in no event be construed as an admission, in whole or in part, of liability or responsibility for conditions in or about EIP. Further, these comments should not be construed as an admission or acknowledgement, in whole or in part, that the draft PPR and SOW are necessary or appropriate; that they comply with applicable laws, regulations and USEPA guidance; or that they are consistent with the requirements of the Settlement Agreement and Order ("SAO") dated September 29, 2005 or the Agreement in Principle (July 2003) entered into by Tricon and other companies.

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I. PRELIMINARY PLANNING REPORT

A. Section 2, Conceptual Site Model

1. In Section 2.3, Potential Sources, Subarea B, page 27, the description for the Subarea B study area is not accurate. There are five buildings in the area around the cul-de-sac located at the northern end of Chase Avenue that are denoted as 5110 Main on Figure 2-38, Primary and Secondary Study Areas. Each building has a separate block of addresses, as follows:
 - the northwest building is 5000-5014 Chase,
 - the west building is 5016-5026 Chase,
 - the northeast building is 5001-5011 Chase,
 - the east building is 5013-5023 Chase, and
 - the southeast building is 5101-5111 Chase.

For clarification, the correct addresses are written on Figure C-2, Proposed Sampling Locations Study Area B (Attachment 1). Tricon only occupies the northwest building at 5000-5014 Chase at present. There are and have been in the past numerous other tenants that have occupied all or a portion of these buildings, including portions of 5000-5014. This is explained in more detail below and is illustrated in the list of current and former tenants on pages 2-9 of Attachment 2. Several of these tenants are known to use or to have used solvents.

Even though the description of Subarea B in Section 2.3 includes all five buildings, the boundary of Subarea B only extends to the top of the building at 5101-5111 Chase in Figure C-2, Proposed Sampling Locations Study Area B. Tricon recommends including this building in Subarea B for several reasons. This building is owned and managed by the same entity as the other buildings. This building has been occupied by numerous tenants, as have the other buildings. Finally, several prior tenants have used or may have used solvents, including chlorinated solvents, in this building.

- a. Sta-Rite Industries, Inc. ("Sta-Rite") was previously a tenant at 5101 Chase from 1974-1980. A Sta-Rite facility in Delavan Wisconsin used PCE, TCE and TCA prior to 1977, and elevated levels of these compounds were found at the facility. As a result, Sta-Rite has been undertaking

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remedial action at the Delavan Municipal Well No. 4 NPL Superfund Site for the investigation and remediation of PCE, TCE and TCA impacts to the groundwater. See Five-Year Review Report for Delavan Well #4 dated September 2005 prepared by the Wisconsin Department of Natural Resources and the USEPA (Attachment 3). Sta-Rite may have used these same chlorinated solvents during its tenancy at 5101 Chase. This possibility warrants further investigation of this area.

- b. C&C Machine Tool Service, Inc. ("C&C") was previously a tenant at 5109 and 5110 Chase (as well as a prior tenant at 5017 Chase and a current tenant at 5024 Chase). According to the 2004 Data Evaluation Summary Report prepared by Weston for USEPA ("2004 Report"), C&C used PCE and TCA, and these chlorinated solvents were found in soil and groundwater samples adjacent to its present location at 5024 Chase (See 2004 Report, Section 2 at page 7 and Section 3 at pages 6-7).
 - c. J.E. Haley Co. ("Haley") was previously a tenant at 5110 Chase. Haley was a fabricator of metal products and used paint thinner which may have spilled on the floor, according to an 1995 Phase I Environmental Assessment Report of 5000-5111 Chase Avenue (at page 7) prepared by Environmental Design International, Inc. for Chase-Belmont Properties ("1995 Phase I Report"). The 1995 Phase I Report (at page 19) also noted poor housekeeping practices in general. While the Report did not indicate whether the paint thinner contained chlorinated solvents or whether chlorinated solvents were used in Haley's machining operations, this possibility should not be overlooked and further investigation is warranted.
2. In Section 2.3, Potential Sources, Subarea D, page 28, it should be noted that 5400 Janes Avenue was erroneously referred to as the "Tricon Property" in the 2002 Phase II Site Assessment Report prepared by Weston for USEPA ("2002 Report"). The 2002 Report, as well as independent documentation from USEPA, indicated that a prior tenant, and not Tricon, used and released TCE at this location. Tricon has always maintained that the designation of 5400 Janes as the "Tricon Property" was erroneous and continues to request USEPA to correct the record regarding this designation. Tricon continues to deny any liability for impacts at this location caused by one or more prior tenants. Therefore, Tricon

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has no comments about the proposed investigation at 5400 Janes. Nonetheless, as the current tenant, Tricon will allow reasonable access to the premises, subject to the approval of the property owner, in order to facilitate this investigation.

3. The second sentence of the last paragraph of Subsection 2.4.2, Groundwater, pages 35-36, states that "the likelihood of a PCE/TCE release from [the southern portion] of the site migrating vertically to the bedrock aquifer is low." This sentence is inconsistent with the statement in the third sentence of the second paragraph of Subsection 4.3.1, pages 4-5, that the sediments in the southern portion of the site "are not expected to severely limit the downward migration of releases."

B. Section 4, Project Objectives and Technical Approach

1. The first paragraph of Subsection 4.5.1, Northeastern Subareas A, B, and C, page 14, makes broad conclusions regarding the subsurface geology, interconnections between groundwater aquifers, and groundwater flows. However, there is not enough certainty, based on the limited available data, to support these conclusions about groundwater flows on such a small scale. One of the goals of this current investigation is to obtain such information in order better understand the subsurface interconnections. Therefore, this paragraph should be limited to a summary of the information known to date.

C. PPR TABLES

Table 1-1 has several errors regarding the identification of individuals or companies associated with properties on which Tricon conducts its operations. In addition, this Table omits a large number of current and previous tenants that are known to use or to have used chlorinated solvents, or that have a high probability of such use based on the type of operations conducted by these companies at 5400 Janes Avenue and at the Chase Avenue buildings. To date, USEPA has conducted only a limited investigation of these other tenants. To the extent that it has not done so already, Tricon requests USEPA to use its CERCLA authority to obtain additional information from all of these companies about their chlorinated solvent use, if any, at 5400 Janes Avenue and in the Chase Avenue buildings. Furthermore, Tricon requests that any newly identified companies which used chlorinated solvents be required to participate in the work at EIP.

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In particular at the Chase Avenue buildings, C&C Machine Tool Service, Inc., located currently at 5024 Chase and previously at 5017 and 5109 Chase, and Hahn Graphics, previously located at 5023 Chase, are known to have used chlorinated solvents in their leased units. Even though elevated levels of chlorinated solvents were detected in the soil and groundwater adjacent to the units they lease or leased, USEPA indicated that these companies would not be required to participate in this current investigation because they are "small" users. If identification of source areas, and identification of companies that may be responsible for any source areas, is the purpose of this current investigation, then small companies should not be categorically excluded from this process.

1. 5400 Janes Ave., PIN 0812304008

Tricon Industries, Inc. is a current tenant. There were several previous owners, tenants or occupants, including William Helwig, Jr.; Avtec Industries Inc.; B&B Enterprises; Principal Manufacturing Corporation; United Storage Systems; Richard Hansen (Dick's Welding); Ceren Plumbing and Heating Co.; R.T.C. Supply Corporation; Aegis Packaging Corp.; Electrofilm, Inc.; and Amoco Chemical Corporation. Principal Manufacturing Corporation is known to have used chlorinated solvents at this location when it was a previous tenant.

2. 5110 Main St. (5000-514, 5016-5026 Chase), PIN 0812214001

- a. Edward J. Lopata, James Bromberek, and Mildred Amoroso have been identified as the current beneficial owners.
- b. Tricon Industries, Inc. is a current tenant in the building designated 5000-5014 Chase Avenue. To Tricon's knowledge, there is no building designated "5000-514" Chase. It also appears that Tricon is misidentified as "Tricon Mfg Co." There were several previous tenants in portions of this building, including Control Masters, Inc. (manufacturer of electrical control systems); Enquip; Mid-States Engineering & Sales, Inc. (solvent use as of 1995 according to the 1995 Phase I Report at 7); and Rexnord Industries. The complete list of current and prior tenants is attached (Attachment 2).

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- c. There are several current tenants of the building designated as 5016–5026 Chase Avenue, including C&C Machine Tool Service, Inc.; Double D Printing; and Quality Printing Service. C&C Machine Tool Service, Inc. is known to have used PCE and TCA at this location. There were numerous previous tenants of that building, including DynaGear; Rexnord Industries; and Delta Industries. The complete list of current and prior tenants is attached (Attachment 2).
- 3. 5110 Main St. (5001-5011, 5015-5025 Chase), PIN 0812214006
 - a. Edward J. Lopata, James Bromberek, and Mildred Amoroso have been identified as the current beneficial owners. The address range for the second building is 5013–5023 Chase Avenue (not 5015-5025).
 - b. There are several current tenants of the building designated as 5001–5011 Chase Avenue, including Mid-States Engineering & Sales, Inc. (solvent use at another Chase building); Alkut Tool, Inc.; and Schiappa Printing, Inc. There were numerous previous tenants, including Chemical Specialties Mfg. Corp.; Dynagear; Lovejoy; Casco Manufacturing Company; Do-El Manufacturing Co.; B&B Manufacturing Co.; and Ribco Machine Specialties. The complete list of current and prior tenants is attached (Attachment 2).
 - c. There are several current tenants of the building designated as 5013–5023 Chase Avenue. There were numerous previous tenants, including Hahn Graphics, Inc.; C&C Machine Tool Service, Inc.; Bison Gear & Engineering, Inc.; and Bottcher America Corp. The complete list of current and prior tenants is attached (Attachment 2). Hahn Graphics is known to have used PCE at this location, and C&C is known to use or have used PCE and TCA at 5024 Chase.
- 4. 5110 Main St. (PIN 0812401005), (alternative address is 5101–5111 Chase Avenue)
 - a. Edward J. Lopata, James Bromberek, and Mildred Amoroso have been identified as the current beneficial owners.

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- b. There are several current tenants, and numerous previous tenants, including J.E. Haley Co.; C&C Machine Tool Service, Inc.; and Sta-Rite Industries, Inc. The complete list of current and prior tenants is attached (Attachment 2). C&C is known to use or have used PCE and TCA at 5024 Chase; Sta-Rite used PCE, TCE and TCA at its facility in Delavan, Wisconsin; and Haley used some type of solvent at this location.

5. 2325 Wisconsin Avenue, PIN 0812409003

Tricon Industries, Inc. is the current owner and occupant. It appears that Tricon is misidentified as "Tricon Mfg Co."

D. PPR FIGURES

1. General Comment

All figures that identify buildings within EIP by street number address should be corrected to reflect the individual Chase Avenue street number address ranges for *each building at the north end of the Chase Avenue cul-de-sac*. The correct address ranges are written on Figure C-2, Proposed Sampling Locations Study Area B (Attachment 1).

2. Figure 2-19, Figure 2-33, and Figure 2-36

It is inappropriate to estimate isoconcentration contours based on the limited number of sampling points on Figures 2-19, 2-33, and 2-36. These contour lines should be removed.

3. Figure 2-29, Figure 2-32, Figure 2-35, and Figure 2-38

BD-9(I), BD-9(D), BD-10(D), and BD-11(D), all located north of the railroad tracks, should be illustrated on Figures 2-29, 2-32, 2-35, and 2-38 (see Figure 1-4 for locations).

4. Figure 2-38, Primary and Secondary Study Areas

Study Area B should include 5101-5111 Chase.

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II. SCOPE OF WORK, APPENDIX C

A. Section 3.5, Soil Sampling

1. Subsection 3.5.2, Study Area B, pages 9-10 and Figure C-2, Proposed Sampling Locations Study Area B.
 - a. The only soil borings illustrated on Figure C-2 are clustered around the western portion of 5000-5014 Chase. However, chlorinated solvents were detected in other areas of Study Area B that are not readily attributable to a release, if any, from 5000-5014 Chase and, as explained above, are near areas where other tenants currently or previously used chlorinated solvents. In addition, there are no soil borings proposed around 5101-5111 Chase even though prior tenants may have used chlorinated solvents in this building. The soil borings allotted for Study Area B should be redistributed so that a sufficient number are designated in these other areas as well in order to achieve USEPA's stated goal of delineating any potential source areas so that effective remediation can be accomplished.
 - b. Tricon questions the efficacy of conducting passive soil gas surveys in general, and sub-slab gas sampling under buildings in particular. Results from such sampling are often inconclusive. If the real purpose of any sampling at this stage of the USEPA investigation is to identify potential source areas that may be contributing to the bedrock aquifer, then other, more conclusive means are already being employed, such as actual soil and groundwater sampling at various depths. If soil gas surveys are done, active soil gas surveying is more appropriate. Nonetheless, if USEPA does use this sampling methodology, then sub-slab gas samples should be collected throughout the other four buildings. In addition, soil gas samples should be taken around the outside of 5101-5111 Chase if this method is being used throughout Study Area B. As explained above, because of the number and variety of tenants in these other buildings over the years, chlorinated solvents may have been used throughout any of these buildings.

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B. Section 3.6, Groundwater Investigation

1. Subsection 3.6.2, Study Area B, page 15 and Figure C-2, Proposed Sampling Locations Study Area B.
 - a. There does not appear to be a basis for the locations of the groundwater sampling wells in Study Area B, other than a grouping around some (but not all) of the chlorinated solvents detected during prior investigations. USEPA should instead consider using geophysical techniques to locate preferential flow pathways (e.g., bedrock fracture zones) to optimize the placement of shallow and intermediate wells. This will assist in the characterization and understanding of contaminant migration, if any, from these shallower areas to the bedrock aquifer.
 - b. There are no monitoring wells illustrated on Figure C-2 around 5101-5111 Chase, which should be included in Study Area B. For the reasons stated above, monitoring wells should be placed here in order to characterize this area properly.
2. Figures C-1, C-2 and C-13

BD-9(I), BD-9(D), BD-10(D), and BD-11(D), all located north of the railroad tracks, should be illustrated on Figures C-1, C-2, and C-13 (see Figure 1-4 for locations).
3. Figures C-2

The correct addresses as written on Attachment 1 should be denoted on Figure C-2, Proposed Sampling Locations Study Area B.
4. Figures C-3 and C-13

The southwest building of the Chase Avenue buildings should be denoted as 5101-5111 Chase Avenue on Figure C-3, Proposed Sampling Locations Study Area C, and Figure C-13, Proposed Bedrock Monitoring Wells (rather than the general address of 5110 Main).

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Thank you in advance for considering Tricon's comments and incorporating our suggestions in the final PPR and associated documentation. Please feel free to contact us to discuss any questions you may have. We would also be available to meet with you to review any of these comments, if that is preferable.

Sincerely,

Patricia A. Rooney / BMB

Patricia A. Rooney and
Carol M. Douglas
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cc: John J. Winkler, Vice President – Internal Operations
Tricon Industries, Inc.

